



Ordinance Number 515

**AN ORDINANCE PROVIDING FIRST-TIME HOMEBUYERS WITH AN
EXEMPTION TO THE TOWN OF ELSMERE'S SHARE OF THE STATE
REALITY TRANSFER TAX FOR THE MONTH OF MAY 2010.**

Sponsored By: The Honorable Deborah A. Norkavage, Mayor

First and Second Reading:
March 11, 2010

Results: _____

Third and Final Reading:
April 08, 2010

Results: _____

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AN ORDINANCE PROVIDING FIRST-TIME HOMEBUYERS WITH AN EXEMPTION TO THE TOWN OF ELSMERE'S SHARE OF THE STATE REALITY TRANSFER TAX FOR THE MONTH OF MAY 2010.

WHEREAS, the Town of Elsmere wishes to provide for a first-time homebuyer exemption to the Town of Elsmere's share of the Realty Transfer Tax,

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF ELSMERE AS FOLLOWS:

The Realty Transfer Tax is hereby amended by adding a new Section 22 to Chapter 204-4 (A) 2, to read as follows:

During the month of May 2010, the buyer's share of the Town of Elsmere's realty transfer tax, otherwise payable, shall be waived for any transfer of any single-family residential dwelling, including the land and dwelling thereon and not vacant land, that is intended for owner-occupancy where the buyer is a first-time home buyer in the Town of Elsmere; provided that the buyer, not later than the time of settlement of the subject transfer, executes an affidavit under penalties of filing a false written statement that the buyer or buyers, constitute, in fact, a first-time home buyer of a single-family dwelling in the Town of Elsmere, but previous ownership of an interest in real estate outside of the boundaries of the Town of Elsmere shall not be a disqualification. A "first-time home buyer" means:

1. A natural person who has at no time held any legal interest, exclusive of any interest as a stockholder or partner in a corporation or limited partnership or as a trustee for another person in residential real estate within the boundaries of the Town of Elsmere during the three years prior to the date of settlement of the subject transfer of real property.
2. The unit of husband and wife purchasing as joint tenants or tenants by the entirety, when neither the husband nor the wife has ever held any legal interest, exclusive of any interest as a stockholder or partner in a corporation or limited partnership or as a trustee for another person, in residential real estate within the boundaries of the Town of Elsmere during the three years prior to the date of settlement of the subject transfer of real property.

3. Individuals purchasing as joint tenants or co-tenants when none of the individuals has ever held any legal interest, exclusive of any interest as a stockholder or partner in a corporation or limited partnership or as a trustee for another person, in residential real estate within the boundaries of the Town of Elsmere during the three years prior to the date of settlement of the subject transfer of real property.

March 11, 2010
First and Second Reading

April 08, 2010
Third and Final Reading

Deborah A. Norkavage, Mayor

Joann I. Personti, Secretary

Approved As To Form
Edward McNally, Town Solicitor

SYNOPSIS:

This Ordinance exempts first-time home buyers who purchase their homes during the month of May 2010 from paying the Town of Elsmere's share of the State of Delaware Reality Transfer Tax.

Fiscal Impact:

The fiscal impact based upon year-to-date income for this fiscal year could reduce the Town's potential reality transfer tax income by approximately \$14,973.00.